

STAYED,TYPE I-FOIA

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-01835-CRC

PRECHTEL v. FEDERAL COMMUNICATIONS
 COMMISSION

Assigned to: Judge Christopher R. Cooper
 Cause: 05:552 Freedom of Information Act

Date Filed: 09/07/2017

Jury Demand: None

Nature of Suit: 895 Freedom of
 Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

JASON PRECHTEL

represented by **Joshua Hart Burday**
 LOEVY & LOEVY
 311 N. Aberdeen Street
 Third Floor
 Chicago, IL 60607
 (312) 243-5900
 Fax: (312) 243-5902
 Email: joshb@loevy.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew Topic
 LOEVY & LOEVY
 311 N. Aberdeen Street
 Third Floor
 Chicago, IL 60607
 (312) 243-5900
 Fax: (312) 243-5902
 Email: matt@loevy.com
ATTORNEY TO BE NOTICED

V.

Defendant

**FEDERAL COMMUNICATIONS
 COMMISSION**

represented by **Johnny Hillary Walker , III**
 U.S. ATTORNEY'S OFFICE
 Civil Division
 555 Fourth Street, NW
 Washington, DC 20530
 (202) 252-2575
 Fax: (202) 252-2599
 Email: johnny.walker@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**GENERAL SERVICES
 ADMINISTRATION**

represented by **Johnny Hillary Walker , III**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/07/2017	<u>1</u>	COMPLAINT against FEDERAL COMMUNICATIONS COMMISSION (Filing fee \$ 400 receipt number 0090-5106638) filed by Jason Prechtel. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons)(Topic, Matthew) (Entered: 09/07/2017)
09/08/2017	<u>2</u>	ERRATA against FEDERAL COMMUNICATIONS COMMISSION filed by Jason Prechtel. (Attachments: # <u>1</u> Errata Please not that this is exhibit A to the complaint for

		case 17-cv-1835 that was filed yesterday.)(Topic, Matthew) Modified event title on 9/20/2017 (znmw). (Entered: 09/08/2017)
09/08/2017		Case Assigned to Judge Christopher R. Cooper. (md) (Entered: 09/11/2017)
09/11/2017	<u>3</u>	SUMMONS (1) Issued Electronically as to FEDERAL COMMUNICATIONS COMMISSION. (Attachments: # <u>1</u> Notice of Consent) (md) (Entered: 09/11/2017)
09/11/2017		SUMMONS (2) Not Issued as to non-party U.S. Attorney, U.S. Attorney General. (FOIA SUMMONS WERE NOT SUBMITTED AT THE TIME COMPLAINT WAS FILED) (md) (Entered: 09/11/2017)
11/16/2017	<u>4</u>	ENTERED IN ERROR.....REQUEST FOR SUMMONS TO ISSUE re <u>3</u> Summons Issued Electronically, <u>1</u> Complaint filed by JASON PRECHTEL. Related document: <u>3</u> Summons Issued Electronically, <u>1</u> Complaint filed by JASON PRECHTEL. (Attachments: # <u>1</u> Summons)(Topic, Matthew) Modified on 11/17/2017 (znmw). (Entered: 11/16/2017)
11/17/2017		NOTICE OF ERROR re <u>4</u> Request for Summons to Issue; emailed to matt@loevy.com, cc'd 2 associated attorneys — The PDF file you docketed contained errors: 1. Incorrect document/case, 2. Please refile document, 3. ENTERED IN ERROR; Incorrect summonses submitted; Resubmit correct FOIA summonses. (znmw,) (Entered: 11/17/2017)
11/17/2017	<u>5</u>	REQUEST FOR SUMMONS TO ISSUE filed by JASON PRECHTEL. (Attachments: # <u>1</u> Summons, # <u>2</u> Summons)(Topic, Matthew) (Entered: 11/17/2017)
11/20/2017	<u>6</u>	SUMMONS (2) Issued Electronically as to U.S. Attorney and U.S. Attorney General (znmw) (Entered: 11/20/2017)
11/27/2017	<u>7</u>	NOTICE of Appearance by Johnny Hillary Walker, III on behalf of FEDERAL COMMUNICATIONS COMMISSION (Walker, Johnny) (Entered: 11/27/2017)
12/15/2017	<u>8</u>	ANSWER to Complaint by FEDERAL COMMUNICATIONS COMMISSION.(Walker, Johnny) (Entered: 12/15/2017)
12/15/2017		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. It is hereby ORDERED that the parties shall promptly confer and file a joint proposed schedule for briefing or disclosure by January 3, 2018. Signed by Judge Christopher R. Cooper on 12/15/2017. (lccrc3) (Entered: 12/15/2017)
12/18/2017		Set/Reset Deadlines: Joint Proposed Briefing Schedule due by 1/3/2018 (lsj) (Entered: 12/18/2017)
12/18/2017	<u>9</u>	NOTICE of Appearance by Joshua Hart Burday on behalf of JASON PRECHTEL (Burday, Joshua) (Entered: 12/18/2017)
01/03/2018	<u>10</u>	Joint PROPOSED BRIEFING SCHEDULE by FEDERAL COMMUNICATIONS COMMISSION. (Walker, Johnny) Modified event title on 1/4/2018 (znmw). (Entered: 01/03/2018)
01/04/2018		MINUTE ORDER granting the parties' proposed briefing schedule. Defendant's Motion for Summary Judgment is due on or before February 16, 2018. Plaintiff's Opposition and Cross-Motion are due on or before March 16, 2018. Defendant's Opposition and Reply are due on or before April 6, 2018. Plaintiff's Reply is due on or before April 20, 2018. Signed by Judge Christopher R. Cooper on 1/4/2018. (lccrc3) (Entered: 01/04/2018)
01/04/2018		Set/Reset Deadlines: Summary Judgment motions due by 2/16/2018. Response to Motion for Summary Judgment due by 3/16/2018. Reply to Motion for Summary Judgment due by 4/6/2018. Plaintiff's Replies due by 4/20/2018. (lsj) (Entered: 01/04/2018)
02/16/2018	<u>11</u>	MOTION for Summary Judgment by FEDERAL COMMUNICATIONS COMMISSION (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Material Facts as to Which There Is No Genuine Issue, # <u>3</u> Declaration of Ryan Yates, # <u>4</u> Exhibit 1 – Vaughn Index, # <u>5</u> Exhibit 2 – Letter from FCC, # <u>6</u> Text of Proposed Order)(Walker, Johnny) (Entered: 02/16/2018)

03/12/2018	<u>12</u>	Unopposed MOTION for Extension of Time to File <i>Plaintiff's Opposition and Cross-Motion for Summary Judgment</i> by JASON PRECHTEL (Burday, Joshua) (Entered: 03/12/2018)
03/13/2018		MINUTE ORDER granting <u>12</u> Motion for Extension of Time. Plaintiff shall file any opposition and cross-motion for summary judgment on or before March 30, 2018. Defendant shall file its opposition and reply on or before April 20, 2018. Signed by Judge Christopher R. Cooper on 3/13/2018. (lccrc3) (Entered: 03/13/2018)
03/29/2018	<u>13</u>	Unopposed MOTION for Extension of Time to File <i>Plaintiff's Opposition and Cross-Motion for Summary Judgment</i> by JASON PRECHTEL (Burday, Joshua) (Entered: 03/29/2018)
03/29/2018		MINUTE ORDER granting <u>13</u> Motion for Extension of Time. Plaintiff shall file the Opposition and Cross-Motion for Summary Judgment on or before April 13, 2018. Signed by Judge Christopher R. Cooper on 3/29/2018. (lccrc3) (Entered: 03/29/2018)
03/30/2018		Set/Reset Deadlines: Plaintiff shall file the Opposition and Cross-Motion for Summary Judgment on or before 4/13/2018. (kt) (Entered: 03/30/2018)
04/13/2018	<u>14</u>	MOTION for Partial Summary Judgment by JASON PRECHTEL (Burday, Joshua) (Entered: 04/13/2018)
04/13/2018	<u>15</u>	MEMORANDUM re <u>14</u> MOTION for Partial Summary Judgment filed by JASON PRECHTEL by JASON PRECHTEL. (Burday, Joshua) (Entered: 04/13/2018)
04/13/2018	<u>16</u>	RESPONSE re <u>11</u> MOTION for Summary Judgment <i>Opposition to Defendant Statement of Material Facts</i> filed by JASON PRECHTEL. (Burday, Joshua) (Entered: 04/13/2018)
04/13/2018	<u>17</u>	MEMORANDUM re <u>14</u> MOTION for Partial Summary Judgment filed by JASON PRECHTEL by JASON PRECHTEL. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K)(Burday, Joshua) (Entered: 04/13/2018)
04/13/2018	<u>18</u>	NOTICE of Proposed Order by JASON PRECHTEL re <u>17</u> Memorandum, (Burday, Joshua) (Entered: 04/13/2018)
05/02/2018	<u>19</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>14</u> MOTION for Partial Summary Judgment , <u>11</u> MOTION for Summary Judgment by FEDERAL COMMUNICATIONS COMMISSION (Attachments: # <u>1</u> Text of Proposed Order)(Walker, Johnny) (Entered: 05/02/2018)
05/04/2018		MINUTE ORDER granting <u>19</u> Motion for Extension of Time to File Response/Reply. Defendant shall file a reply in support of its motion for summary judgment and an opposition to Plaintiff's cross-motion for summary judgment on or before May 18, 2018. Plaintiff shall file a reply in support of his cross-motion for summary judgment on or before June 1, 2018. Signed by Judge Christopher R. Cooper on 5/4/2018. (lccrc3) (Entered: 05/04/2018)
05/04/2018		Set/Reset Deadlines: Defendant's Reply to Motion for Summary Judgment due by 5/18/2018. Plaintiff's Responses due by 6/1/2018. (lsj) (Entered: 05/04/2018)
05/09/2018	<u>20</u>	Unopposed MOTION for Leave to File <i>Amended Complaint</i> by JASON PRECHTEL (Attachments: # <u>1</u> Amended Complaint)(Burday, Joshua) (Entered: 05/09/2018)
05/10/2018		MINUTE ORDER granting <u>20</u> Motion for Leave to File Amended Complaint. The amendment of the complaint will not affect the current summary judgment briefing schedule as to defendant FEC. Signed by Judge Christopher R. Cooper on 5/10/2018. (lccrc3) (Entered: 05/10/2018)
05/10/2018	<u>21</u>	AMENDED COMPLAINT against FEDERAL COMMUNICATIONS COMMISSION, GENERAL SERVICES ADMINISTRATION filed by JASON PRECHTEL.(td) (Entered: 05/10/2018)
05/10/2018	<u>22</u>	NOTICE of Appearance by Johnny Hillary Walker, III on behalf of All Defendants (Walker, Johnny) (Entered: 05/10/2018)

05/17/2018	<u>23</u>	Consent MOTION for Extension of Time to File Response/Reply by FEDERAL COMMUNICATIONS COMMISSION (Attachments: # <u>1</u> Text of Proposed Order)(Walker, Johnny) (Entered: 05/17/2018)
05/22/2018		MINUTE ORDER granting <u>23</u> Motion for Extension of Time. Defendant shall file a reply in support of its motion for summary judgment and an opposition to Plaintiff's cross-motion for summary judgment on or before June 17, 2018. Plaintiff shall file a reply in support of his cross-motion for summary judgment on or before July 2, 2018. Signed by Judge Christopher R. Cooper on 5/22/2018. (lccrc3) (Entered: 05/22/2018)
05/22/2018		Set/Reset Deadlines: Defendant's Reply to Motion for Summary Judgment due by 6/17/2018. Plaintiff's Reply due by 7/2/2018. (lsj) (Entered: 05/22/2018)
06/18/2018	<u>24</u>	Memorandum in opposition to re <u>14</u> MOTION for Partial Summary Judgment filed by FEDERAL COMMUNICATIONS COMMISSION. (Attachments: # <u>1</u> Statement of Genuine Issues, # <u>2</u> Supplemental Declaration of Ryan Yates)(Walker, Johnny) (Entered: 06/18/2018)
06/18/2018	<u>25</u>	REPLY to opposition to motion re <u>11</u> MOTION for Summary Judgment filed by FEDERAL COMMUNICATIONS COMMISSION. (Attachments: # <u>1</u> Supplemental Declaration of Ryan Yates)(Walker, Johnny) (Entered: 06/18/2018)
06/21/2018	<u>26</u>	Unopposed MOTION for Extension of Time to File <i>Plaintiff's Reply in Support of Cross-Motion for Summary Judgment</i> by JASON PRECHTEL (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Burday, Joshua) (Entered: 06/21/2018)
06/25/2018		MINUTE ORDER granting <u>26</u> Motion for Extension of Time. Plaintiff's Reply in Support of the Cross-Motion for Summary Judgment is due on July 16, 2018. Signed by Judge Christopher R. Cooper on 6/25/2018. (lccrc3) (Entered: 06/25/2018)
06/25/2018		Set/Reset Deadlines: Plaintiff's Reply in Support of the Cross-Motion for Summary Judgment due by 7/16/2018. (lsj) (Entered: 06/25/2018)
07/05/2018	<u>27</u>	Unopposed MOTION for Extension of Time to File Response/Reply by JASON PRECHTEL (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Burday, Joshua) (Entered: 07/05/2018)
07/09/2018		MINUTE ORDER granting <u>27</u> Motion for Extension of Time. Plaintiff's Reply in Support of his Cross-Motion for Summary Judgment is due on or before July 30, 2018. No further extensions will be granted. Signed by Judge Christopher R. Cooper on 7/9/2018. (lccrc3) (Entered: 07/09/2018)
07/09/2018		Set/Reset Deadlines: Plaintiff's Reply in Support of Cross-Motion for Summary Judgment due by 7/30/2018. (lsj) (Entered: 07/09/2018)
07/30/2018	<u>28</u>	REPLY to opposition to motion re <u>14</u> MOTION for Partial Summary Judgment filed by JASON PRECHTEL. (Attachments: # <u>1</u> Exhibit A – Fed Communications Commission, # <u>2</u> Exhibit B – Fed Communications Commission, # <u>3</u> Exhibit C – Fed Communications Commission, # <u>4</u> Exhibit D – Toomey Comment, # <u>5</u> Exhibit E – API Registration Email)(Burday, Joshua) (Entered: 07/30/2018)
08/16/2018		MINUTE ORDER directing the parties to appear for a Telephone Conference set for 8/16/2018 at 2:00 PM before Judge Christopher R. Cooper. Signed by Judge Christopher R. Cooper on 8/16/18. (lsj) (Entered: 08/16/2018)
08/16/2018		Minute Entry for Telephone Conference held before Judge Christopher R. Cooper held on 8/16/2018. Case to proceed in normal posture. (Court Reporter: Lisa Moreira) (lsj) (Entered: 08/16/2018)
08/17/2018	<u>29</u>	REQUEST FOR SUMMONS TO ISSUE filed by JASON PRECHTEL.(Topic, Matthew) (Entered: 08/17/2018)
08/21/2018	<u>30</u>	Summons (1)Issued as to GENERAL SERVICES ADMINISTRATION. (jf) (Entered: 08/21/2018)
09/13/2018	<u>31</u>	ORDER granting in part and denying in part <u>11</u> Defendants' Motion for Summary Judgment; granting in part and denying in part <u>14</u> Plaintiff's Motion for Partial Summary Judgment; and directing the parties to meet and confer and file a joint status report on or before October 15, 2018. See full order for details. Signed by Judge

		Christopher R. Cooper on 9/13/2018. (lccrc3) (Entered: 09/13/2018)
09/13/2018	<u>32</u>	MEMORANDUM OPINION re <u>31</u> ORDER granting in part and denying in part the parties' motions for summary judgment. Signed by Judge Christopher R. Cooper on 9/13/2018. (lccrc3) (Entered: 09/13/2018)
09/19/2018	<u>33</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. GENERAL SERVICES ADMINISTRATION served on 8/27/2018 (Topic, Matthew) (Entered: 09/19/2018)
10/04/2018	<u>34</u>	ANSWER to <u>21</u> Amended Complaint by GENERAL SERVICES ADMINISTRATION.(Walker, Johnny) (Entered: 10/04/2018)
10/15/2018	<u>35</u>	Joint STATUS REPORT by FEDERAL COMMUNICATIONS COMMISSION, GENERAL SERVICES ADMINISTRATION. (Walker, Johnny) (Entered: 10/15/2018)
10/17/2018		VACATED PURSUANT TO MINUTE ORDER ENTERED 11/29/2018.....MINUTE ORDER: Upon consideration of the parties' <u>35</u> Joint Status Report, it is hereby ORDERED that the parties shall adhere to a briefing schedule as follows: Defendants shall file their motion for summary judgment on or before November 29, 2018; Plaintiff shall file his opposition and cross-motion for summary judgment on or before January 18, 2019; Defendants shall file their reply and opposition on or before February 1, 2019; Plaintiff shall file his reply on or before February 15, 2019. Signed by Judge Christopher R. Cooper on 10/17/2018. (lccrc3) Modified on 11/30/2018 (zlsj). (Entered: 10/17/2018)
10/17/2018		Set/Reset Deadlines: Summary Judgment motions due by 11/29/2018. Response to Motion for Summary Judgment due by 1/18/2019. Reply to Motion for Summary Judgment due by 2/1/2019. Plaintiff's Replies due by 2/15/2019. (lsj) (Entered: 10/17/2018)
11/28/2018	<u>36</u>	Consent MOTION to Continue <i>the Summary-Judgment Briefing Schedule</i> by FEDERAL COMMUNICATIONS COMMISSION, GENERAL SERVICES ADMINISTRATION (Attachments: # <u>1</u> Text of Proposed Order)(Walker, Johnny) (Entered: 11/28/2018)
11/29/2018		MINUTE ORDER granting <u>36</u> Defendants' Motion to Continue Briefing Schedule and vacating the schedule entered on 10/17/2018. The parties shall adhere to the following briefing schedule: Defendants shall file their motion for summary judgment on or before December 31, 2018; Plaintiff shall file his opposition and cross-motion for summary judgment on or before February 19, 2019; Defendants shall file their reply and opposition on or before March 4, 2019; Plaintiff shall file his reply on or before March 18, 2019. Signed by Judge Christopher R. Cooper on 11/29/2018. (lccrc3) (Entered: 11/29/2018)
11/30/2018		Set/Reset Deadlines: Summary Judgment motions due by 12/31/2018. Response to Motion for Summary Judgment due by 2/19/2019. Reply to Motion for Summary Judgment due by 3/4/2019. Replies due by 3/18/2019. (lsj) (Entered: 11/30/2018)
12/27/2018	<u>37</u>	Consent MOTION to Stay <i>in Light of a Lapse of Appropriations</i> by FEDERAL COMMUNICATIONS COMMISSION, GENERAL SERVICES ADMINISTRATION (Attachments: # <u>1</u> Text of Proposed Order)(Walker, Johnny) (Entered: 12/27/2018)
12/27/2018		MINUTE ORDER granting <u>37</u> Motion to Stay. Defendants shall notify the Court as soon as necessary funding is renewed. Signed by Judge Christopher R. Cooper on 12/27/2018. (lccrc3) (Entered: 12/27/2018)